

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CHAUNCEY E. FITZPATRICK,)
v. Plaintiff) No. 3:09-985
v.) JUDGE HAYNES
DEMO STEAK & SPAGHETTI, *et al.*)
Defendants.)

O R D E R

Upon review of the file, the Clerk of Court mailed copies of the Order (Docket Entry Nos. 4 and 8) in this action to the Plaintiff on October 29, 2009 and on December 9, 2009. The Order was returned to the Court as "Return to Sender." (Docket Entry Nos. 6 and 9).

Under Fed. R. Civ. P. 5(b), service is effective upon mailing to the party's last known address. It is a party's responsibility to inform the Court of his address so as to enable the Court to inform all parties of matters arising in the litigation. Downs v. Pyburn, No. 3:87-0471 (M.D. Tenn. Order filed September 4, 1987). The Plaintiff has failed to inform the Court of his new address, and the Court is unable to conduct the necessary proceedings in this action.

Accordingly, this action is **DISMISSED** without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute.

It is so **ORDERED**.

ENTERED this the 23rd day of April, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge